

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed March 3, 2004. At the time of the Office Action, Claims 1-36 were pending and stand rejected. Applicants have amended Claims 1, 7, 13, 20-22, 27, and 32. Applicants submit that no new matter has been added by these amendments. In light of the arguments below, Applicants respectfully requests reconsideration and favorable action in this case.

**Section 102 Rejections**

The Examiner rejects Claims 1, 4, 7, 10-11, 13, and 16-17 under 35 U.S.C. §102(e) as being anticipated by Heinmiller, et al. WO99-59353 ("Heinmiller"). Applicants respectfully traverse all rejections and assertions therein.

Independent Claim 1 recites, "a packet subsystem coupled to the telephone subsystem and the wireless subsystem, the packet subsystem operable to instruct the telephone subsystem to forward a telephone call directed at the telephonic device to the packet subsystem after the mobile station registers with the wireless subsystem, the packet subsystem also operable to communicate the telephone call to the wireless subsystem for delivery to the mobile station." For the teaching of this limitation, the Office Action states, "figures 3 and 5 show logic that forwards call to wireless phone if active, otherwise call is forwarded to landline unit AND figure 4 shows data/packet connection for call/control data between SCP/STP to MSC." But Applicants submit that the Office Action fails to consider each and every word of Claim 1 and mischaracterizes the connections between SCP/STP and MSC in *Heinmiller* as a packet connection. "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). In judging the patentability of Claim 42, the Office Action fails to consider at least the phrase " the packet subsystem operable to instruct the telephone subsystem to forward a telephone call directed at the telephonic device to the packet subsystem after the mobile station registers with the wireless subsystem." More particularly, the Office Action fails to consider at least the phrase " to the packet subsystem."

As mentioned above, the Office Action alleges that the connection in *Heinmiller* between SCP/STP and MSC is a part of a packet subsystem. Office Action, Page 3. While *Heinmiller* discloses that this connections communicate voice and data traffic,<sup>1</sup> the Office Action fails to demonstrate that this communication of data traffic teaches that the offered connections are a part of a packet subsystem. In fact, *Heinmiller* merely discloses “an intelligent bridge between components used in wireless and landline networks,”<sup>2</sup> which are not components of a packet subsystem as claimed. More particularly, *Heinmiller* discloses that “communication between the SCP 460 and the HLR 480 is carried out through a Signaling System 7 (SS7) network.” As is well known in the art, SS7 are protocols used in a public switch telephone network (PSTN), so the offered connection is a circuit-switched connection, *not a packet connection* as alleged. Furthermore, *Heinmiller* fails to teach that any calls are forwarded to a packet subsystem as claimed. The logic illustrated in Figure 3 and 5 of *Heinmiller* discloses that if a called party’s wireless communication device 250 is available, then “the third computer readable program code 270 automatically routes the call to the called party’s wireless communication device 250.” Page 4, Lines 7-10; Page 6, Line 28 to Page 7, Line 5. In other words, the call is forwarded directly to a wireless network, *not to a packet subsystem operable to transport packets*. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents Claim 4.

Furthermore, Applicants submit that it would not been obvious to have modified *Heinmiller* to include a network operable to transport packets. In rejecting Claim 19, the Office states that it would have been obvious to modify *Heinmiller* to include a gateway, gatekeeper, and an Internet “to provide means for control of connectivity to the Internet.” Office Action, Page 7. However, *Heinmiller* merely discloses directly forwarding calls to a telephone device to a wireless telephone device, which is accomplished with a PTSN and a wireless network without using a packet-switched network. Applicants submit that there is no motivation to add an additional system such as a packet-switched network to perform the same function.

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<sup>1</sup> Page 5, Lines 4-5.

<sup>2</sup> Page 4, Lines 17-18.

Independent Claims 7 and 13 are allowable for reasons analogous to those discussed above in connection with Claim 1. Claims 10-11 and 16-17 each depend from independent Claims 7 and 13 and are thus also patentable over the cited art.

**Section 103 Rejections**

The Office Action rejects Claims 2, 8, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Heinmiller* and further in view of Sienel, et al. U.S. Patent 6,426,942 ("*Sienel*"). Also, the Office Action rejects Claims 2, 8, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Heinmiller/Sienel* and further in view of Baratz, et al. U.S. Patent 5,742,596 ("*Baratz*"). Additionally, the Office Action rejects Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Heinmiller* and further in view of Kimball U.S. Patent 5,953,322 ("*Kimball*"), Iwama, et al. U.S. Patent 6,600,735 ("*Iwama*") and *Sienel*. Also, the Office Action rejects Claims 6, 12, and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Heinmiller* and further in view of *Iwama*. Applicants respectfully traverse these rejections. In particular, these claims depend from one of independent Claims 1, 7, and 13. As discussed above, independent Claims 1, 7, and 13 are allowable over *Heinmiller*. The Office Action fails to cite any teaching or suggestion in *Sienel*, *Baratz*, *Kimball*, and *Iwama* of the missing elements discussed above. Therefore, Claims 2, 5, 6, 8, 12, 14, and 18 are allowable at least because they depend from one of allowable Claims 1, 7, and 13. Thus, Applicants respectfully request that these rejections be withdrawn.

The Office Action rejects Claims 19-22, 26-29, and 32-34 under 35 U.S.C. § 103(a) as being unpatentable over *Heinmiller* and further in view of *Kimball* and *Iwama*. Applicants respectfully traverse all rejections and assertions therein.

Independent Claim 19 recites, "a gatekeeper operable to instruct the telephone subsystem to forward a first telephone call directed at the telephonic device to the gateway after the mobile station registers with the wireless subsystem." For the teaching of this limitation, the Office Action offers the same passage discussed above in connection with Claim 1 in combination with *Iwama* for the teaching of a gateway. As discussed above, *Heinmiller* merely teaches forwarding

a call directly to a wireless network, not to elements associated with a packet subsystem. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 19.

Independent Claims 20-22, 27, and 32 are allowable for reasons analogous to those discussed above in connection with Claim 19. Claims 26, 28, 29 and 33-34 each depend from independent Claims 20-22, 27, and 32 and are thus also patentable over the cited art.

The Office Action rejects Claims 23, 30, and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Heinmiller/Kimball/Iwama* in further view of *Sienel*. Also, the Office Action rejects Claims 23, 30, and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Heinmiller/Kimball/Iwama* in further view of *Baratz*. Applicants respectfully traverse these rejections. In particular, these claims depend from one of independent Claims 22, 27, and 32. As discussed above, independent Claims 22, 27, and 32 are allowable over *Heinmiller*. The Office Action fails to cite any teaching or suggestion in *Sienel* of the missing elements discussed above. Therefore, Claims 23, 30, and 35 are allowable at least because they depend from one of allowable Claims 22, 27, and 32. Thus, Applicants respectfully request that these rejections be withdrawn.

**CONCLUSION**

For the foregoing reasons and for reasons clearly apparent, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant hereby requests a one month extension of time for responding to the Office Action. The Commissioner is hereby authorized to charge the extension of time fee of \$110.00 and any additional fees, or credit any overpayments to Deposit Account No. 19-2179 of Siemens Information & Communications Products, L.L.C.

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Respectfully requested,

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